

**DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT  
FULTON BRANCH PROJECT  
U.S. FOREST SERVICE  
CADDOWOMBLE RANGER DISTRICT  
MONTGOMERY COUNTY, ARKANSAS**

**DECISION**

Based upon my review of the Fulton Branch Project Environmental Assessment (EA), I have decided to implement the Proposed Action, which includes the following activities:

- Seed tree regeneration harvest – 304 acres
- Seed tree connected actions – 304 acres:
  - Prescribed burn/chemical/mechanical/manual site preparation for natural regeneration
  - Chop/rip site preparation for artificial regeneration (if needed)
  - Hand plant shortleaf pine seedlings (if needed)
  - Timber stand improvement – release (chemical/manual)
  - Timber stand improvement – precommercial thinning
- Commercial thinning – 1,042 acres
- Commercial thinning (plantation) – 182 acres
- Commercial thinning (woodland development) – 902 acres
- Timber stand improvement (precommercial thinning) – 132 acres
- Wildlife opening maintenance – 50 acres
- Pond maintenance – 25 each
- Glade restoration – 170 acres
- Nest boxes – 35 each
- Fuel reduction/ecosystem prescribed burn – 11,500 acres
- Fireline construction – 7 miles
- Fireline reconstruction – 27 miles
- System road reconstruction – 12 miles
- Temporary road construction – 14 miles
- System road decommission – 7 miles
- Existing roads to add to National Forest System – 2.3 miles
- Existing roads to open seasonally (October – February) - 0.63 miles
- Trail relocation – 0.5 miles
- Watershed improvement – throughout project area
- Non-native invasive species control – throughout project area

\*All figures are approximate.

A narrative description of the selected alternative, and associated technical requirements and monitoring, are provided on pages 8-20 of the EA.

## DECISION RATIONALE

The **purpose** of this action is to restore the health and vigor of the project area. Implementing these activities would provide for a diversity of plant and animal communities throughout the project area, provide early seral habitat in a well-distributed grass/forb or shrub/seedling stage, reduce fuel accumulation, and produce a sustainable yield of wood products. Contrasts between the current conditions in the project area and the Revised Forest Plan's desired conditions identify the **need** for this action, namely:

- Past fire suppression activities have removed the natural role of fire from the landscape. This absence of fire has resulted in excessive fuel accumulations, increasing the risk of damage to resources in the event of wildfire.
- Fire is a natural ecosystem process needed to reduce density of understory woody species and maintain the needed light environment that promotes the growth of wildlife foods, the natural regeneration of pine and oak, and the conditions for plants adapted to fire.
- Pine and hardwood stands contain damaged, poorly formed, and diseased trees. The trees are overcrowded or densely stocked, reducing growth and crown development. These conditions result in stress and reduced vigor and health, thus increasing susceptibility to insects and disease.
- There is limited access to those stands in need of silvicultural treatment, resulting in the need for new road construction. Some existing roads are not useable and create the need for road re-construction to access timber.
- There is a lack of high quality forage and a lack of nesting habitat for species requiring early successional habitat.
- There are known populations of exotic and invasive plant species, and possibly hogs, throughout the project area resulting in the need for Non-native Invasive Species control and habitat protection.
- The project includes several recreation sites, trails and areas identified as high scenic integrity along the Ouachita River. Scenic values need to be maintained within these areas.
- There are known locations of glades throughout the project area that are in need of being restored and protected.

I selected the Proposed Action over the No Action and the No Herbicide Alternative because it best satisfies this purpose and need for the project.

1. The No Action would not provide additional early seral habitat, a reduction in fuel accumulation, or wood products.
2. The Proposed Action was chosen over the No Herbicide Alternative (the same as the Proposed Action, except no herbicide would be used) because herbicide is an effective treatment for the control of non-native invasive species and seedling release.

The Fulton Branch Project EA documents the environmental analysis and conclusions upon which this decision is based.

## PUBLIC INVOLVEMENT

A Project Announcement Letter (PAL) or “scoping letter” was mailed to interested publics on March 8, 2019, requesting input on the proposed actions regarding management of the Kates Creek Project area. The project was also published in the Ouachita National Forest Schedule of Proposed Actions. On October 26, 2018, a legal notice of the opportunity to comment was published in the *Arkansas Democrat Gazette*; the EA was released for public review and comment for the 30-day comment period. The EA lists agencies and individuals consulted in Chapter 4.

No site-specific comments were received in response to any project solicitation. No site-specific concerns were raised during scoping; no issues were developed to be analyzed in depth based on scoping.

Based on Forest policy, the No Herbicide Alternative was developed and analyzed in detail.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Ouachita National Forest Revised Land and Resource Management Plan. The project was designed in conformance with the Vision, Strategy, and Design Criteria direction.

### National Forest Management Act (NFMA)

Under 16 U.S.C. 1604 (g)(3)(E), a Responsible Official may authorize site-specific projects and activities on NFS lands to harvest timber only where:

1. **Soil, slope, or other watershed conditions will not be irreversibly damaged;**  
See EA, Chapter 3
2. **There is assurance that the lands can be adequately restocked within five years after final regeneration harvest;**  
Hand-planting will occur if natural regeneration is inadequate (EA, p. 9)
3. **Protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect water conditions or fish habitat;**  
Protection is provided by adherence to minimum widths of streamside management areas (SMAs), protected areas adjacent to bodies of water and on each side of perennial streams and other streams with defined channels (Revised Forest Plan, pp. 103-104)
4. **The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber.**  
See EA, Purpose & Need, pp. 3-6; Proposed Action Description, pp. 8-20

A Responsible Official may authorize site-specific projects and activities on NFS lands using clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber as a cutting method only where:

1. **For clearcutting, it is determined to be the optimum method; for other cutting methods it is determined to be appropriate and meets the objectives and requirements of the applicable land management plan (16 U.S.C. 1604 (g)(3)(F)(i));**  
See EA, Purpose & Need, pp. 3-6
2. **The interdisciplinary review has been completed and the potential environmental, biological, aesthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area (16 U.S.C. 1604 (g)(3)(F)(ii));**  
See EA, Chapter 3
3. **Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain (16 U.S.C. 1604 (g)(3)(F)(iii));**  
The Scenery Treatment Guide-Southern Region National Forests will be followed (EA, pp. 16-17)
4. **These cuts are carried out according to the maximum size limits for areas to be cut in one harvest operation as required by 16 U.S.C. 1604 (g)(3)(F)(iv)).**  
Cuts are carried out according to the maximum size of regeneration area for even-aged management under Design Criteria FR009 (Revised Forest Plan, p. 81)
5. **Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource (16 U.S.C. 1604 (g)(3)(F)(v)).**  
See EA, Chapters 2 & 3
6. **Under 16 U.S.C. 1604 (m) even-aged stands of trees scheduled for regeneration harvest generally have reached culmination of mean annual increment of growth, unless the purpose of the timber cutting is excepted in the land management plan.**  
Regeneration harvests are in compliance with Design Criteria FR009, Harvest Age (Revised Forest Plan page 81)

## FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

### CONTEXT

The project area is located approximately 2 1/2 miles North of Mount Ida, Arkansas in Montgomery County in T1S R24&25W and T2S R24&25W. The 11,330-acre project area contains 8,838 acres of National Forest System lands.

### INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. Both beneficial and adverse effects were considered. (See EA Chapter 3)
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety. (See EA pages 17; 88-90)
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area. There are no park lands, prime farmlands, wetlands, roadless areas, wilderness, wild and scenic rivers or ecologically critical areas to be affected. The effects on historic or cultural resources are disclosed in the EA. (See EA pages 90-92)
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. (See EA Chapter 3)
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (See EA Chapter 3)
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because it is similar to projects that have previously been implemented and it is consistent with the direction of the Revised Forest Plan. (See EA Chapter 3)
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. Past, present, and reasonably foreseeable future actions have been assessed, and any resulting cumulative effects are disclosed in the EA. (See EA page 18; Chapter 3)
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. A letter of concurrence was received from the State Historic Preservation Office (SHPO) on July 10, 2019. (See EA pages 14,15; 23-25)
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The Biological Evaluation (BE) prepared for this project determined that the action is “likely to adversely affect” the northern long-eared bat; however, there are no effects beyond those previously disclosed in the programmatic



biological opinion on implementing the final 4(d) rule dated January 5, 2016, signed by Lynn Lewis. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). This project is consistent with the forest plan, the description of the proposed action in the programmatic biological opinion, and activities that do not require special exemption from taking prohibitions applicable to the northern long-eared bat; therefore, the programmatic biological opinion satisfies the Forest Service's responsibilities under ESA section 7 (a)(2) relative to the northern long-eared bat for this project (See BE, p. 39). A letter of concurrence was received from the US Fish & Wildlife Service on September 19, 2019.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Ouachita National Forest Revised Land and Resource Management Plan. (See EA page 6)

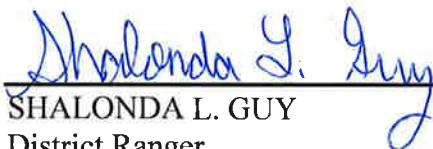
After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

#### IMPLEMENTATION DATE

This decision was not subject to objection pursuant to 36 CFR 218 because no timely, specific written comments regarding the proposal were received during a designated opportunity for public comment; this decision can be signed and implemented immediately.

#### CONTACT

For additional information concerning this decision, contact: Chip Stokes, 1523 Hwy 270 East, Mount Ida, AR 71957, (870) 867-2101.

  
SHALONDA L. GUY  
District Ranger

  
Date

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